Albemarle County Planning Commission

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, December 3, 2002 at 6:00 p.m., at the County Office Building, Room 241, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice-Chairman; Rodney Thomas; William Finley; Pete Craddock, Tracey Hopper, Bill Edgerton, and Jared Loewenstein, Chairman.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development, Greg Kamptner, Assistant County Attorney, and Steven Biel, Planner.

Other Matters Not Listed on the Agenda from the Public:

Mr. Loewenstein invited public comment on other matters not listed on the agenda. There being none, the meeting proceeded.

Consent Agenda:

SDP-02-287 Watts Passage Waiver Request – Request waiver of Section 14-505(C); Access from lot onto public street or private road, which requires access from Private road only. (Tax Map 033, Parcel 38A) (Yadira Amarante)

Approval of Planning Commission Minutes - October 8, 2002, October 22, 2002 and October 29, 2002.

Mr. Rieley stated that he found one typo in the minutes, which he failed to bring to the meeting. With the caveat that he would be allowed to pass that correction on to the Recording Secretary, he moved that the consent agenda be passed.

Mr. Thomas seconded the motion.

The motion carried unanimously (6:0) for approval of the consent agenda. (Finley – absent)

Items Requesting Deferral:

SP-2002-050 Shadwell Animal Hospital (Sign #60 & 61) - Request for special use permit to allow a veterinary office and hospital in accordance with Section 22.2.2.5 and 5.1.11 of the Zoning Ordinance which allows for a veterinary office and hospital. The property, described as Tax Map 79, Parcel 19, contains 1.988 acres, and is located in the Scottsville Magisterial District on the south side of Louisa Road (Route 22), approximately 600 feet from the intersection of Route 22 and Route 250. The property is zoned C-1, Commercial and EC, Entrance Corridor. The Comprehensive Plan designates this property as C-1, Commercial and EC, Entrance Corridor in the Rural Areas. (Steven Biel) APPLICANT REQUESTS DEFERRAL TO DECEMBER 10, 2002.

Mr. Loewenstein opened the public hearing and asked if anyone wished to speak. There being none, he closed the public hearing and placed the matter before the Planning Commission for action.

Ms. Hopper moved to allow deferral of SP-2002-050, Shadwell Animal Hospital, as per the applicant's request to December 10, 2002.

Mr. Edgerton seconded the motion.

The motion carried unanimously (6:0) to allow deferral of SP-2002-050, Shadwell Animal Hospital, to December 10, 2002. (Finley – absent)

Public Hearing Items:

SP-2002-060 Floral Images (Sign 43) – Request for special use permit to allow for a floral arrangement business in accordance with Section 10.2.2.32 and 5.2 of the Zoning Ordinance which allows for a Home Occupation - Class B. The property, described as Tax Map 55, Parcel 99, contains 2.69 acres, and is located in the White Hall Magisterial District on the west side of Rt. 825 (Yancey Mill Lane), approximately .25 miles southeast from the intersection of Rt. 825 and Rt. 250 West (Rockfish Gap Turnpike). The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Steven Biel)

Mr. Finley arrived at the meeting at 6:10 p.m.

Mr. Biel presented the staff report.

SP 2002-060 Floral Images

Applicant's Proposal: The applicants, Mr. William Herring and Mr. Joseph Strickler, have requested approval of a special use permit for a Home Occupation – Class B, to allow for the operation of a floral arrangement business. The applicants propose to construct a 1,120 square foot garage/studio (40' x 28') that would be used for arranging cut flowers (Attachment A). Hours of operation are proposed to be Monday through Friday, 8:00 a.m. to 4:00 p.m., with occasional Saturday hours. The applicants would not have any additional employees. Any future consideration for the hiring of employees would be limited to no more than two employees, which is permitted under the definition of Home Occupation, Class B.

The applicants have been operating Floral Images for thirteen years at the same location in the Pantops Shopping Center. A loyal clientele has been established that enables the applicants to operate their business without walk-in customers. The business provides floral arrangements for weddings, parties, funerals, and special events. There would be an occasional bridal consultation that would take place at the residence on the site. The business receives deliveries from a wholesale supplier approximately two to three times a week in standard cargo vans. The applicants would then deliver the finished floral arrangements to the customer's site using a mid-size family van.

Petitions: Request for special use permit to allow for a floral arrangement business in accordance with Section 10.2.2.32 and 5.2 of the Zoning Ordinance which allows for a Home Occupation - Class B. The property, described as Tax Map 55, Parcel 99, contains 2.69 acres, and is located in the White Hall Magisterial District on the west side of Route 825 (Yancey Mill Lane), approximately .25 miles southeast from the intersection of Rt. 825 and Rt. 250 West (Attachment B). The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3.

Character of the Area: The property under review contains 2.69 acres. The site is located on Route 825 (Yancy Mill Lane), which is a dead-end road. The property is the second to the last property on the west side of Route 825. There are a total of four residences on the .4 mile road. The Yancy Lumber Company is located on the eastern side of the Route 250/Route 825 intersection. A wooded area that parallels Interstate 64 buffers the end of Route 825. There is substantial pastureland across from the applicant's property, on the east side of Route 825 (Attachment C).

This property is not visible from the Interstate 64 Entrance Corridor and the proposed structure would also not be visible. Architectural Review Board (ARB) staff has reviewed this proposal and has determined ARB review is not required.

Planning and Zoning History: There is no history available on this property.
Comprehensive Plan: The Comprehensive Plan identifies this site and surrounding area as being located in the Rural Area. The Comprehensive Plan offers no specific comment regarding home occupations in the Rural Area. However, the level of intensity of the proposed use would be compatible with the character of the Rural Area.

RECOMMENDATION: Staff has reviewed this request for compliance with the provisions of Section 31.2.4.1 of the zoning ordinance and recommends approval of SP 2002-060, based on its consistency with the Comprehensive Plan.

STAFF COMMENT: Staff will address each provision of Section 31.2.4.1 of the Zoning Ordinance:

The Board of Supervisors hereby reserves unto itself the right to issue all special use permits permitted hereunder. Special use permits for uses as provided in this ordinance may be issued upon a finding by the Board of Supervisors that such use will not be of substantial detriment to adjacent property.

This proposal would result in a very minimal increase in vehicular traffic, as there would be no on-site sales or customers. There would only be two or three deliveries per week to the site from a local supplier and the applicants would deliver their products to their customers.

that the character of the district will not be changed thereby,

It is the opinion of staff that this home occupation would not result in any increased levels of activity on the site that would be inconsistent with the character of the area.

and that such use will be in harmony with the purpose and intent of this ordinance,

Staff has reviewed the purpose and intent as contained in Chapter18, Sections 1.4, 1.5, and 1.6 of the Albemarle Zoning Ordinance. In the opinion of staff, the proposed use would not conflict with the purpose and intent as described in the Zoning Ordinance.

with the uses permitted by right in the district,

This use would not prevent by-right use of the adjacent properties.

with additional regulations provided in Section 5.0 of this ordinance,

Home occupation permits are governed by Section 5.2.2 of the Albemarle Zoning Ordinance. The proposed request complies with the provisions of this section of the Ordinance (Attachment D).
and with the public health, safety and general welfare.

There would be no adverse impact on public health, safety, and general welfare. The Department of Building Code and Zoning Services, Department of Engineering, and Department of Environmental Services have no particular concerns with this proposed use.

The Virginia Department of Transportation (VDOT) has recommended the applicants improve the entrance from Route 825 or construct a new 30' wide entrance, which would meet 250' of sight distance and allows vehicles to turn around on-site. The Department of Engineering does not support VDOT's recommendation. The applicants' property is near the Route 825 dead-end where there is virtually no vehicular traffic; therefore, staff does not support the recommendation by VDOT.

SUMMARY:

Staff has identified the following factors favorable to this application:

1. The proposal is consistent with the provisions of Section 31.2.4.1.
2. The level of intensity of the proposed use would be consistent with the character of the Rural Area.

Staff has not found any factors that are unfavorable to this request. Therefore, staff is able to support this request.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP 2002-060, subject to the following conditions:

1. There shall be no more than seven (7) clients per week on the premises.

Mr. Biel asked to retract one thing that he previously stated in that there will not be any weekend hours. He pointed out that he would be happy to answer any questions that they might have.

Mr. Loewenstein stated that he could not recall a condition such as this one that limits the number of clients per week. He felt that would be difficult to enforce.

Mr. Biel stated that the Zoning Department recommended the limit so that there would be no one coming in for day classes.

Mr. Loewenstein questioned if they should add a condition that there be no weekend hours. He asked if there were further questions for staff. There being none, he opened the public hearing on SP-2002-060 and asked if the applicant was present and would like to make a statement.

Joseph Strickler, applicant, stated that everything was pretty well spelled out here. He pointed out regarding the Saturday hours, if they had a wedding on a Saturday then they would have to deliver the flowers to the location of the church or the reception. They would not be doing anything other than weddings or parties.

Mr. Loewenstein asked if there was anyone else who wished to speak on this matter. There being none, he closed the public hearing to bring the special use permit back before the Commission for discussion and action.

Mr. Rieley stated that this application appears to be consistent with the objectives of the Comprehensive Plan. He stated that it was hard to see that there would be a problem. He commended both Engineering and Planning for eliminating the requested condition to put in a commercial entrance. This request is a lot like the Marks Cabinetry application that they heard a few weeks ago in which the imposition of that kind of a commercial entrance would actually do more to harm the character of the Rural Areas than it would serve to help with the commercial traffic. He supported the application as it stands.

Ms. Hopper made a motion for approval of SP-2002-060, Floral Images, subject to the following condition recommended by staff: There shall be no more than seven (7) clients per week on the premises. She asked Mr. Loewenstein if he had suggested adding another condition.

Mr. Loewenstein stated that after hearing from the applicant, he felt it was less confusing to leave off his recommended condition.

Mr. Rieley seconded the motion.

The motion carried unanimously (7:0).

Mr. Loewenstein stated that SP-2002-060, Floral Images, would go to the Board of Supervisors on January 15th.

SP-2002-057 Rivanna Ridge Giant Food Store-Outdoor Sales/Display: (Sign #72, 73, and 75) - Request for special use permit to allow outdoor storage and display of merchandise in accordance with Section 30.6.3.2.b of the Zoning Ordinance which allows for outdoor storage, display and/or sales which would be visible from an Entrance Corridor. The property, described as Tax Map78 Parcels 73A and 76 is located in the Rivanna Magisterial District on Route 250 in the Giant Shopping Center. The property is zoned PDMC. The Comprehensive Plan designates this property as Regional Service in Neighborhood 3. (Margaret Doherty)

Mr. Benish presented the staff report. (See the attached copy of the staff report.) He stated that staff has reviewed the request for conformity with the Comprehensive Plan and Zoning Ordinance, and recommends approval of the special use permit. The ARB has reviewed this proposal and has recommended approval with conditions. Those conditions are reflected in staff's recommended conditions. In summary, the outdoor sales is going to be primarily seasonal items such as mulch and trees, plants, pumpkins and the like. The items will be displayed on the sidewalk area just outside the front door of the Giant Grocery Store and along the building's face. There is also an attachment with a table that depicts the materials that can be stored, how they can be displayed and their height. He noted that if there were any questions that he would be happy to answer them.

Mr. Loewenstein asked if there were any questions for Mr. Benish.

Mr. Craddock suggested marking the sidewalk 5 feet out from the wall in the same manner that had been done for a competitive store.

Mr. Benish stated that had been done for the Foodlion site, but noted that there was some difference in the design of the site. He stated that one of the concerns with the Foodlion type of site was that there was no curbing and the asphalt goes right up to the concrete pads. There was some concerns that there was no clear delineation and was one of the reasons for the markings. He noted that these were raised curbs and much larger walkway areas. The Foodlion site had such a constrained area that you might lose the walkway. He pointed out that he was not sure if that was going to be the problem here, but staff could certainly look into that.

Mr. Craddock stated that the sidewalk was pretty wide.

Mr. Thomas stated that condition number 6 states that display areas shall be located within 5 feet of the wall. He asked if that was from the front wall of the building.

Mr. Benish stated that he understood that for enforcement that they have to be within that 5-foot measurement from the wall. This would ensure that there would be a walkway.

Mr. Rieley stated that they have seen a number of these in recent years and generally the issue of adding what is essentially additional retail space outside that is in addition to the retail space approved on the plan, He noted that it has not seemed to be too much of a concern because the parking regulations have been so far in excess of what would normally be required. They have never had a maximum number of parking spaces in the past. Now, however, they were on the threshold of a new ordinance which does indeed have maximums and which has a realistic starting point of those numbers. Generally, he asked if they were thinking about the provisions that they need to make to anticipate the fact that these requests for additional space always seem to come along with these types of retail operations.

Mr. Benish stated that he had not generally in regards to outdoor sales and display thought of that. He suggested that Jan or Elaine could respond a little bit better on how much they have thought about how additional outdoor sales and display have been thought of in terms of the requirements that they have proposed in the ordinance. He noted that it was a good point and they probably needed to recognize that, but that this parking would fall under the old parking provisions. In this case it is a more general question, but was something that they needed to start thinking about.

Mr. Loewenstein asked if there were other questions or comments from the Commissioners. There being none, he opened the public hearing and asked if the applicant wants to make a statement.

Mr. John Kooney, of J.C. Architects, stated that they were the original architects for this shopping center. They have been asked to come here before the Commission. The list in their package has been revised in accordance with the recommendations by the ARB. He distributed the list to the Commissioners. He noted that the list was in compliance with all of the requests that the ARB made. As you look at the floor plan and those four dark areas as you go across the face of the store they were marked 1, 2, 3 and 4 from left to right. He pointed out that 2 and 3 that are between the vestibules are the areas that no displays will be higher than those windows that are 3 feet high. He stated that they would comply with all the ARB comments and ask for your approval. He stated that he would be happy to answer any questions that you might have.

Mr. Loewenstein asked if there was anyone else present to speak. There being none, the public hearing was closed and SP-2002-057 placed back before the Commission for discussion and action.

Mr. Rieley moved for approval of SP-2002-057with the conditions recommended by staff as follows:

1. The site improvements shall be developed in general accord with the attached Minor Site Plan Amendment, entitled Giant Food Outdoor Sales / Display exhibit, dated September 20, 2002;
2. The owner shall obtain an Architectural Review Board Certificate of Appropriateness;
3. Items shall be displayed only in the areas of the covered walkway identified in green on the plan submitted for ARB review, entitled "Ground Floor Plan," dated August 2, 2001;
4. No additional lighting shall be introduced to the site for the purpose of illuminating this display;
5. No new signage associated with this use shall be permitted. Pricing information shall not be displayed higher than three feet;
6. Display areas shall be located within 5 feet of the front wall of the building;
7. Displayed items shall not exceed 7½ feet in height, except that in areas where items are displayed in front of windows those items may not exceed window sill height, but in no case can bagged mulch or bagged potting soil exceed 3' in height;
8. Display items may include fruits, vegetables, plants, trees, shrubs, bagged mulch, and bagged potting soil; and
9. Sales not requiring permanent installations may also be conducted within the display area.

Mr. Edgerton seconded the motion.

The motion carried unanimously (7:0).

Mr. Loewenstein stated that SP-2002-057 had been approved and would go to the Board of Supervisors on January 15th.

Continuation of November 26th Worksession:

ZMA-2002-002 Hollymead Town Center – Area D (Sign #58, 59, 68) - Request to rezone 24.1 acres from RA, Rural Areas to PD-MC, Planned Development- Mixed Commercial to allow for a mixed -use development. The property, described as Tax Map 32 Parcels 46, is located in the Rio Magisterial District on Route 29 North at the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Community Service and Urban Density uses. (Michael Barnes)

ZMA-2001-18 Hollymead Town Center – Area A (Sign #74) - Request to rezone 16.5 acres from RA, Rural Areas to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center. The property, described as Tax Map 32 Parcels 42A, 42B, 42C, and 46-5, is located in the Rio Magisterial District on Route 29 North approximately 1/2 mile south of the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Regional Service uses.

ZMA-2001-19 Hollymead Town Center – Area B (Sign #87) -Request to rezone 24.7 acres from RA, Rural Areas and HC, Highway Commercial to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center. The property, described as Tax Map 32 Parcels 42B, 42C, 42D, 42E, 43 and 43A, is located in the Rio Magisterial District on Route 29 North approximately 1/4 mile south of the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Regional Service uses.

ZMA-2001-20 Hollymead Town Center – Area C (Sign #80) - Request to rezone 38 acres from C-1, Commercial and LI, Light Industrial to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center. The property, described as Tax Map 32 Parcels 42D, and 43A, is located in the Rio Magisterial District on Route 29 North at the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Regional Service uses.

Mr. Loewenstein stated that they would now continue their discussion from last week on Hollymead Town Center. He pointed out that they were in general agreement that there was a lot of material to go over and absorb, and he hoped that everyone had an opportunity to do that. He asked if the staff had additional information for the Commission.

Michael Barnes stated that staff was not able to compile some of the information from the list that they had started on last week. He noted that staff would give the Commission that list along with this evenings comments.

Mr. Loewenstein stated that he was open to suggestions on how they could proceed this evening.

Mr. Rieley suggested that one way that they might approach this relates to adding to the list of requests for information that has to do with the general issue of how you begin to execute components of a framework plan. In this case the overall areas are divided up into several sub-areas. Each sub-area has its own particular sets of concerns and probably schedules. He stated that the Commission needs to try to establish to the best degree that they can and as early as possible what the components of this overall plan are, which are critical, so that the pieces can fit together. Then as each individual one comes up, they can talk about how the details are executed and implemented according to the Comprehensive Plan. Along those lines, one of the issues that had been discussed was the possible relocation of the entrance along Route 29. It seems that is pretty critical. Ms. Hopper has mentioned the issue of the relationship between the scales of the buildings and the location of the streets. That is a pretty fundamental one because it

relates to the structure of the streets that ties all of this together. Last week they also talked about how the proposed landform evolved. While they had some individual grading plans, they did not have an overall plan that showed clearly how all of these pieces would fit together. Finally there is an issue that relates to Area D and E and possibly the fringes of some of Area B. That is the strategy in how to handle the stormwater in that area. If they can make headway on all of those issues and get as specific as they can as quickly as they can, then it seems that each of the individual areas can be dealt with individually with some sense of how all of them tie together.

Mr. Loewenstein noted that there was still a lot of information pending. He asked if they could launch into further discussion based on the information they have absorbed since last week. He felt that in some cases that they could and should be one of the possible goals to look at for this evening as they move along.

Mr. Rieley stated that it would be valuable to the applicants and the Commissioners to hear those things. In the final analysis they have to begin with how the pieces fit together and then about each of the individual forms.

Ms. Hopper stated that there seems to be some dispute as to the meaning of the CPA (Comprehensive Plan Amendment) that has been passed. She stated that Area B implies that the CPA has in effect resulted in the Board of Supervisors saying that the rezoning will be approved prior to public hearing, prior to the Planning Commission review and prior to the Board of Supervisors public hearing. She pointed out that this was not legal, but noted that she was not the County Attorney. She had a variety of questions that she would like to ask the County Attorney.

Mr. Barnes pointed out that Mr. Kamptner; Assistant County Attorney had just left the meeting.

Ms. Hopper asked that at a future time the Commission should have an executive session to discuss this issue, pointing out that she needed some guidance. She stated that the CPA was like the Bible in that there were many arguments on both sides of the issue that you can make. She noted that it was hard to comment when she did not know what the perimeters were.

Mr. Loewenstein stated that it was a good topic of discussion, but that Mr. Kamptner would need to talk with the Commission in more detail about this. He noted that one thing that has come up occasionally was the difference between the understanding of a County Ordinance and the Comprehensive Plan Amendment. The Comprehensive Plan is in a sense an advisory document or a set of guidelines that doesn't have the same specificity or the reality of an ordinance itself. There is a considerable difference. A rezoning actually involves a change to an ordinance or the creation of a new ordinance. He felt that it was an important topic, which the Commission needs to address.

Mr. Finley asked what the need was for an executive session.

Ms. Hopper stated that the need was to receive guidance from our County Attorney as to what that CPA means and how it defines the perimeters of what the Commission is doing. By the time the Commission has an executive session they would have more reasons to justify holding an executive session.

Mr. Thomas pointed out that one reason for the executive session was to allow for discussion, among the Commission, regarding the language of the CPA. He pointed out that the language is confusing. He agreed with Ms. Hopper that the Commission needs a more detailed discussion on this topic.

Mr. Loewenstein stated that Mr. Kamptner is aware of this topic and is taking it under advisement and should be able to get back to the Commission in the near future.

Mr. Edgerton agreed with Ms. Hopper. He pointed out that he was struggling with this because he was not involved with the earlier discussion of this, pointed out that he has studied the CPA in some detail. He felt that last week the applicant was implying that the Commission was bound by some of the deliberations of the Board on the CPA and the drawing of 14A, of which, he was still looking for a copy. He stated that was one piece of the discussion of the CPA was the configuration of the Target Store. The other concern was if that bound them, then why wouldn't the other language bind the applicant in the CPA. He stated that he was struggling with sort of the big picture/conceptual issue. The intent of the CPA was to try to develop the town center. If he was understanding what was being submitted for rezoning at this time, the Commission was being asked to consider a rezoning of all the parcels of this 180 plus acres except the town center. He stated that he was confused on how everything except the most critical piece could be rezoned. The applicant last week told the Commission that they had just recently gained control of parcel D. But unless he was mistaken, this Daggett and Grigg schematic almost entirely directed the pedestrian folks in the town center to that portion. Therefore, for us to rezone the rest of the property without a commitment to that would be a mistake. He pointed out that it was like trying to buy a car without getting a motor and trying to analysis the car in whether it will work or not. The same principle applies to trying to do this without some resolution or commitment of that town center. As he understands it, the alignment of the roads was supposed to work with the grade. The schematics that are going with the rezoning applications here have changed that dramatically. They have turned that from a north/south orientation which could have worked with the grades to an east/west one which could not work with the grades and get an acceptable slope to the roads. He stated that he would like to have the opportunity to discuss this without putting themselves into a legal issue. He felt that it would be appropriate to go into an executive session at some point.

Mr. Loewenstein stated that the Commission would like to hold an executive session to discuss the degree to which they are bound by the language of this or actually any Comprehensive Plan Amendment when attempting to make decisions that will affect the application under consideration. To what degree are these to be interpreted literally?

Ms. Hopper stated that she did not think that the language said anything real specific. She felt that there was contradicting language that says a lot of different things. She stated what she had said was that it appears that the applicant B is on the fringes of saying that the Board of Supervisors by passing this CPA has in effect has passed the rezoning prior to public hearing for the Planning Commission and ARB review. She felt that the Commission needs guidance, pointing out that when she read the CPA she saw so many conflicting ideas that it was almost like reading the Bibles. She pointed out that arguments could be made on each side depending on what you pulled out. She asked for guidance on what the perimeters were so that the Commission could make comments on it.

Mr. Edgerton stated that the Commission was being asked to consider a rezoning based on a CPA that was passed last year with the most critical piece missing; which was mainly parcel E, which was where the town center was being proposed.

Mr. Rieley stated that he felt that the Commission could go ahead with the discussion since it was their job to interpret this document in the fairness of the County. He noted that the applicant would of course argue the points that were the most advantageous. Mr. Blaine faxed all of the Commissioners a letter that underlined all of the things that made that argument the strongest. There are places that you can go to the next sentence and its argues in exactly the opposite direction. In the Board of Supervisor's minutes there are places where Mr. Dorrier said that the plan that the Board received tonight is not a good sketch of what would be there since it is conceptual and thinks it will be very much different from what is shown. Also, Mr. Cilimberg said that the details were not shown on the sketch. He stated that he had no objection to listening in an executive session as to what others have to say.

(Mr. Kamptner rejoined the meeting).

Mr. Kamptner stated that staff did not get a copy of this letter pointing out that he just provided a copy to Mr. Barnes and Mr. Cilimberg. He pointed out that he has not read all of the minutes yet. He stated that he was struggling to think of an exception that would allow the Commission to go into executive session given the context in which these issues are raised. He stated that he could provide general guidance and general rules applicable to the Comprehensive Plans. The Comprehensive Plan is a policy document and is advisory only. Therefore, the Commission is not bound by the literal provisions because it does not operate in the same way as the Zoning Ordinance. It tends to be general in nature. Obviously, the CPA that resulted in the Hollymead Town Center is much more specific, but the terms themselves may be subject to interpretation, ultimately by the Board of Supervisors. The Board interprets the Comprehensive Plan and decides whether or not a particular proposal is consistent with the provisions in the Comprehensive Plan. This letter implies that staff was making recommendations that deviated from the Comprehensive Plan Amendment. He thought that staff can do that, but ultimately the staff report will make a recommendation based upon whether or not the proposal is consistent with the Comprehensive Plan. Staff is bound to do that. Staff may make recommendations or suggestions that may deviate from the Comprehensive Plan, which they may attempt to justify in their recommendations. Ultimately though the Board will make the decision whether or not the proposal is consistent with the Comprehensive Plan. There may be particular recommendations from the staff or the applicant that the Board may accept as part of the rezoning.

Ms. Hopper pointed out that the Commission did not want to go into an executive session at this time, but at a future date.

Mr. Kamptner stated that he would like to review this request, talk with staff and try to understand it. He pointed out that no exception to the public meeting rules come to mind right now, but he would go back and look at the Code between now and the next meeting.

Ms. Hopper stated that something occurred to her while examining these documents and how things have changed since it was passed by the Board of Supervisors. It was how the road alignments have changed with the various rezoning applications and the confusion about Area D and the overall Towncenter CPA. She proposed that maybe the CPA requires more work and we should pass a resolution of intent to take a look at it again. This would be to look at the changed road network, the confusion of the CPA, and the lack of integrity in it. She asked what the other Commissioners thought about this.

Mr. Rieley stated that the Commission has talked about all of the contradictions and that was an idea that deserves discussion.

Mr. Finley stated that he was hearing that there was confusion about the CPA and the Comprehensive Plan. He noted that he was getting more confused. He pointed out that he had not seen enough contours to have any idea that the roads as shown were going to be adequate. The Commission has been told that VDOT has set the grade and apparently they are going to be within the recommendations of VDOT. If the Planning Commission is going to recommend changing the road, then they need to get into this and make the decision since that means changing almost everything.

Mr. Loewenstein noted that there was the possibility of the entrance being moved along with a variety of other things. With respect to grading, they were not only talking about the grading of the roads but actually the grading of the parcels for building purposes, development purposes and for pedestrian use. Those are not things that fall within VDOT's perview with respect to grade.

Mr. Finley noted that one of the key things that Mr. Rieley mentioned was the roads.

Mr. Loewenstein stated that the road alignments were subject to further discussion.

Mr. Rieley stated that the point that he was trying to make was that he felt that the applicant needs to get to a framework that includes the location of the roads that everybody can count on. The applicants need to agree upon the strategy for the overall grading of the site so that one parcel is not trying to implement one strategy while an adjacent parcel is implementing another like the stormwater. They need to get as many things nailed down as they possibly can so that they can then evaluate these individual proposals on their own merits. Then the ones that are farther along can go ahead and move ahead. These are vastly different. He did not feel that the same Comprehensive Plan language in all of these areas is being followed.

Mr. Finley asked if all of the owners have agreed upon the road layout and the grading, how can the parcels possibly not fit together.

Ms. Hopper stated that in the CPA there is a statement in the second bullet that says that this designation, the Hollymead Town Center, replaces the previous patchwork of the Regional Service, the Office Service and the Industrial Service Areas in an effort to establish more unified planning and development process. When she looks at what is before the Commission, it is patchwork that describes what this CPA was trying to cure.

Mr. Loewenstein pointed out that a traffic study to use for more detailed discussion about the roads would be provided within a week to ten days.

Mr. Edgerton agreed with Ms. Hopper that the rezoning application is not responding to the road alignments. The only thing that he saw as being consistent was the inclusion of the big box. The direction of the road and the linear layout was not being respected in the CPA. He suggested that the Commission discuss the issues that were problematic one parcel at a time.

Mr. Barnes asked if it would be helpful to go over the logic of how they got from one master plan to the next for the internal roads. Originally the first plan showed Area B as having a large retaining wall. It was felt that the best way to deal with what was happening on that site was to run the Ridge Road north to south and more up on to the ridge. That would get that road to a better spot and help with the grades in Area B. Staff agreed to the movement of that road and then the next thing came on how would that treat the Town Center portion of it. You would then move from three north/south roads to two because the one for the residential area would not count. It was felt that it might be better to break up the big block with some east/west roads. That is when the idea came out to reorient the main street with the ability to tie the residential area on the upper portion of the page with the regional service on the lower portion. That is where the logic went. She brought up another point about the handicap accessibility and the grades. He noted that Mr. Wood rezoned the trailer park that restricted several of the parcels along here to three entrances, which is why three entrances came into these plans. Secondly with the Target being in this location that this right in/right out helps service the trucks coming into the back of Target. It is one of the key reasons that help with the access into the site. There has been discussion back and forth on whether these entrances added friction points. It was something that they were trying to get through the traffic study. The Daggett and Grigg plan is the plan that this development is to be done in general accord with.

Mr. Rieley pointed out that there was very little in this plan that is the same that is on that plan. Clearly, they were changing everything. He felt that the argument that one building has to be put in the same location as shown on the plan is ludicrous.

Mr. Loewenstein stated that staff identified about five areas that involve issues that need to be resolved. The roads were one of those issues. He asked if there was other discussion on this topic.

Mr. Edgerton asked that the applicant provide a formal response about why the current road plan is sympathetic with what was passed in the Comprehensive Plan. He asked that the applicant describe how it fits and why it makes sense.

Ms. Hopper agreed with Mr. Barnes that, particularly in reference to Area B but also throughout, that streets need to be defined as urban streets and not just be travelways in a parking lot. She strongly agreed with that.

Mr. Loewenstein stated that was an area where the traffic study would be very helpful.

Mr. Edgerton stated that in reviewing the Board minutes and Mr. Edgerton's letter, one of the things that came out of this was the size of the big blocks and the way the land was cut up to try to give it a sense of an urban environment. He felt that would make a great difference in the future development and being more sensitive to the Comp Plan.

Mr. Thomas stated that they met with Steve Runkle to come discuss a master plan for this grid system. He pointed out that the Commission has to review this information for Albemarle County.

Mr. Loewenstein stated that there were a lot of gray areas. He stated that the Commission would take a ten-minute break.

The Planning Commission recessed at 8:00 p.m.

The Planning Commission reconvened at 8:23 p.m.

Mr. Loewenstein stated that the Commission needs to decide on how to proceed at this point. In the interest of doing that, he suggested that they try to bring some focus and some sense of completion to this discussion. It is pretty clear that the Commission is going to need further discussion. He suggested that they give the staff and the applicants some sense of guidance this evening because what they have said has been fairly broad based.

Mr. Thomas pointed out that this CPA has been confusing since day one for everybody. He stated that the total design of the project was something that would be taken care of by the zoning and site plan applications. The Commission is spinning their wheels by trying to construct the entire project through the CPA. He felt that a lot of the issues would be taken care of through the County Ordinance and laws.

Mr. Loewenstein stated that one of the things that was important to keep in mind was that this was a complex application involving multiple uses and landowners on a fairly large level and the complexity of it has been difficult for everybody. They were at a point in this County's evolution where they have to consider what they were working with right now was not dissimilar at all with some other larger scale things that will be coming before them. They share some of the same characteristics. He felt that the way that they deal with this one would help determine for everyone on how they deal with the other projects coming up down the road. He asked how could they bring this worksession to a close with a sense of accomplishment for all involved recognizing that they still need additional information.

Ms. Hopper asked to make some response to what Mr. Franco asked on in Area D.

Mr. Loewenstein asked that she go ahead.

Ms. Hopper stated that she wanted to open the topic so that Area D would get some feedback. She stated that the areas that Mr. Franco brought up included the following: stream buffer, stormwater management, amenities, the idea that Mr. Franco had about using a parcel for parking garage and integrating that into their plan, private streets, on street parking ideas and the layout connected with that. She asked for additional information about the stream. She noted that the parking garage was an intriguing idea and would like to see some ideas come before them now or later about how that could be used.

Mr. Loewenstein stated that it would be difficult to set this perimeter until the Commission receives information on Powell Creek.

Mr. Thomas stated that Mr. Franco questioned whether a 50- or 100- foot buffer would be required. The other question Mr. Franco raised was under amenities and whether an ACAC gym would be sufficient.

Mr. Edgerton stated that of the three designs shown, he preferred the third one. He noted concern about the parking extending into the greenway which was intended to be the edge treatment for this town center. He suggested that perhaps some integration of a parking garage would solve that problem. He suggested a greater integration of residential into the commercial.

Mr. Loewenstein agreed that the third plan was the best. He noted that he did not feel as strongly about the closer integration between residential and commercial.

Mr. Rieley stated that last week the Commission asked that the Engineering Department give a specific recommendation on the quality of Powell Creek and whether it was of a source to be protected or not and what their recommendation is for the stormwater detention in that area. He noted that there was a stormwater detention plan shown on this scheme, but there was a great deal of discussion about shifting that to another location. Since this was something that would go across property lines, then it was something in which County needs to take a position on. He asked that the Engineering Department provide some specific information.

Mr. Barnes stated that staff has already done that.

Mr. Rieley suggested that maybe if the Commission asked that it would help. He pointed out that the provision of the on-street parking is very much in the spirit of the Neighborhood Model and was something that they should encourage and try to make happen.

Mr. Thomas stated that the building that was built into the hill with the patio and the lake in front of it, if anyone thought that was a good way to utilize the slope.

Mr. Rieley stated that it was hard to see how that would be a great advantage if the building was occupied on the lower level.

Ms. Hopper and Mr. Loewenstein liked the concept.

Mr. Loewenstein pointed out that use was consistent with the principles of the Comp Plan and the Neighborhood Model.

Mr. Thomas asked if the Commission prefers part of the building built into the hill or the use of one or two retaining walls.

Mr. Rieley stated that he preferred the use of the buildings to take up the grade and slope on the site.

Mr. Barnes noted that it would be difficult to completely eliminate all of the retaining walls.

Mr. Thomas agreed that there were going to be some retaining walls particularly with the roadways going into the parking lots. He stated that the phasing was very important. He stated that the entrance location was another topic brought up.

Mr. Loewenstein stated that more information on the entrance location needs to be provided.

Mr. Rieley suggested that the Commission be provided with a couple of drawings with the pros and cons.

Mr. Thomas pointed out that the information in Mr. Blaine's letter indicated that VDOT recommended the one at the cemetery

Mr. Loewenstein stated that at this point he was having a great deal of difficulty with that. He asked to be educated on that subject. He noted that the traffic study was still a week or ten days away. He felt the traffic study would be helpful and shed some light on this issue.

Ms. Hopper asked if there were any comments about the private streets versus the public streets issue with Area D. She noted that there was no strong reason against the private street idea, but she wanted to toss it out so that the applicant could get some feedback on it.

Mr. Thomas stated that the plus side was that the private streets can be made smaller. The VDOT streets would not be able to be narrowed.

Mr. Edgerton noted that the private streets would allow for more flexibility in the design that would hopefully make it more pedestrian friendly.

Mr. Benish stated that staff should be meeting this week with VDOT and the Service Authority to go over what they have entitled the memorandum of understanding regarding the street design in the County. This was the first step to try to get an agreement on expected road design and any waivers that would allow for public streets to be more of what they were trying to achieve in the Neighborhood Model. He pointed out that it was good to hear that they were receptive to the notion of private roads. What he was hearing was that the design was imperative here, however the road has to be structured ownership wise. Staff will continue to try to get the best of both worlds and keep it in the private system and get the design.

Mr. Loewenstein stated that it seems to be more flexibility in achieving that kind of balance than it once was which was a healthy sign.

Mr. Benish stated that staff would work on the street sizes and off-street parking. He noted that private roads would require a number of waivers from this body.

Mr. Loewenstein asked if there were other points that need to be addressed at this point.

Mr. Rieley stated that there was a limit on how much more specific they can get.

Mr. Loewenstein asked if staff has a response at this point. He asked if there was anything further under the circumstance that could be provided at this time.

Mr. Benish stated that the issue of the mix of uses was raised in section two. One of the things suggested was that the applicant and the County need to have some agreement on the towncenter. There is some reliance that the towncenter is going to help meet the intent of the CPA by providing the mix and density of the intensity of the development on the site. He pointed out that at least one Commissioner expressed some concern about generally the mix of uses in Area C. In fairness to be able to provide feedback to the applicant and tell them what the right mix of uses is, staff would have to look at the context of the whole towncenter. The Commission is sort of on board with staff's approach here to come to sort of a full build out or something for the towncenter and then gauge the mix of uses based on that complete picture.

Mr. Loewenstein asked how they could react to that. He felt that was a good way to put it.

Mr. Benish stated that the breakdown was 70 percent to 30 percent right now. The sense was that maybe a little bit of mix would be better. He felt that if you look at each one in a vacuum it was subjective. Staff's approach would be to figure out the whole concept for the whole 180-acre town center and then react to the various pieces after they have an understanding of what the full development section would be. Currently what is shown as the towncenter suggests a broad range of residential and commercial.

Mr. Rieley stated that the difficulty was that they were at the point of several of these parcels moving from a CPA level of specificity to a ZMA level of specificity and the most critical piece of it is not coming along with it. He asked what kind of mechanism do they have open to us to attach that same level of specificity to something that is already covered in the CPA.

Mr. Benish stated that one possibility was that when they do agree to what the full build out is that they identify in the CPA what that specificity is for the hole in the doughnut. Then the next development that comes in there is a very clear expectation for what that density or floor ratio is going to be because all of the other reviews and their mix and intensity has been based on what the whole picture will be. They would have to agree to what those pieces will be and still to it.

Mr. Edgerton stated that with all due respects that argues against some of what Mr. Thomas said at the beginning of the second part of the section. As they have learned, this might come back to haunt us. Therefore, they will have to go through that rather specifically before they can commit that to some kind of public record if that can come back and we can be told that we can't change our minds on that. He stated that they could not rely on good faith if they are going to tie it to the whole towncenter. He pointed out that they would have to get very specific about what is being proposed in Parcel 8.

Ms. Hopper noted that she believed that Mr. Wood stated at the last meeting that he would consider proffering development in Parcel E. She stated that she would like to see initial, immediate, and long-term phasing with years attached to it.

Mr. Loewenstein suggested that staff work with the applicant to get something like a proffered plan for that parcel that would allow us to more easily consider the overall build out concept.

Mr. Benish stated that would be the preferable way.

Mr. Loewenstein stated that the CPA would apply to the whole area. They could not fail to include that area in everything that they were addressing in the CPA at least in a general way. He noted that they should have the ability to bring that specificity closer as they get closer towards the rezoning. Going back to what Mr. Thomas said at the beginning, it is a dilemma.

Mr. Rieley stated that the only way it can be proffered is if the parcel comes before us in a ZMA. He noted that would be helpful to bring that area into the mix and have binding assurances what it amounts to in a proffered plan for the whole thing. It is very much like a hole in a doughnut.

Mr. Loewenstein stated that the circumstances were very unusual for that area which put it further back in the system. He suggested that staff try to pursue this to see if it would be possible to make at least some progress in that direction.

Ms. Hopper stated that there should always be a mixture of uses, but through the various phases those percentages would change.

Mr. Loewenstein stated that Ms. Hopper's point was in part that during the phasing process that those balance are going to shift anyway while the parcels are being developed. He noted that they would like to be able to relate the relationship of uses on any of the individual parcels to the overall concept of the development as a whole. He asked if there was anything else.

Mr. Barnes stated that one point raised tonight by Mr. Rieley on Area C regarding issues in the way the roads were aligned in that area. He mentioned something about from the first map that he liked that alignment better. He felt that might have been taken out of context.

Mr. Rieley stated that when he looked at it in more detail there were places where from the intersections there is a kink that VDOT would probably insist that it be a continuous alignment. That is something that needs to be looked at more carefully. He suggested that staff have Engineering review that.

Mr. Barnes stated that it was not at the site design level or the conceptual level of how the roads are oriented.

Mr. Rieley agreed.

Mr. Loewenstein asked if there was anything else. He stated that they needed to decide when they would get together on this particular topic taking into account that they were waiting for further feedback. He asked staff what dates would be available.

Mr. Benish stated that the next step would involve the transportation information. Staff needs time to read the information and draft a staff report. He pointed out that the next available time would be in January.

Mr. Loewenstein asked that they review this again as soon as they could feasibly do it.

Ms. Hopper stated that in the hall they were discussing the idea of setting up a small committee with two Planning Commissioners, the staff and the applicants. She asked what the others thought of this idea.

Mr. Loewenstein stated that was an interesting idea since it might help provide a little more clarity by the time this issue comes back. He asked Mr. Thomas if he would be interested in volunteering since this was located in his district. He stated that it would be helpful to have one other Commissioner. He asked Ms. Hopper if she would be willing to serve on the committee.

Ms. Hopper stated that she would be willing to do that if nobody else wanted to.

Mr. Thomas agreed to serve on the committee.

Mr. Loewenstein asked staff to work with Ms. Hopper and Mr. Thomas on this issue.

In summary and conclusion: The Commission continued the discussion from last week's work session on the entire Hollymead Town Center project. Due to the large amount of information received last week, the Commission deferred their discussion to this meeting. They gave the applicant and staff general guidance on the entire town center and the individual projects. The Commission requested additional information from the staff and the applicants. While the Commission took no formal action, they formed a subcommittee of Ms. Hopper and Mr. Thomas to help the applicant and staff to formulate a solution that meets the concerns that were raised during the worksession. Another work session would be scheduled in the future.

Old Business:

Mr. Benish stated that staff has held two Rural Area meetings with the community. They have received a lot of good responses of which staff will tabulate and get back to the Commission with in early February. Staff will hold a joint session with the Planning Commission and Board of Supervisors to go over the results of all of the meetings. He pointed out that the next meeting would be tomorrow night at Stoney Point and the last meeting would be held next week in Scottsville.

New Business

Mr. Finley and Mr. Rieley will not be able to attend the December 17th Planning Commission meeting.

Adjournment:

With no further business, the meeting adjourned at 9:00 p.m. to next week's meeting on December 10th.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor, Recording Secretary.)